

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: IES UTILITIES INC., n/k/a INTERSTATE POWER AND LIGHT COMPANY AND ACCESS ENERGY	DOCKET NO. SPU-01-15
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**ORDER GRANTING PETITION FOR MODIFICATION
OF SERVICE AREA BOUNDARIES**

(Issued December 5, 2003)

On September 28, 2001, Interstate Power and Light Company (IPL) and Access Energy filed with the Utilities Board (Board) a joint petition for modification of electric service area boundaries pursuant to 199 IAC 20.3(9). The initial filing was not complete and, after several discussions with the Board's staff, corrected and complete information was provided to Board staff on November 7, 2003. No objections to the petition were filed.

IPL has agreed to transfer to Access Energy the following territory in Lee County, Iowa:

Part of the North Half (N1/2) of Section Nine, Township 68 North, Range 4 West, Lee County, Iowa, more particularly described as follows:

Commencing at a stone in the road at the Northeast corner of the Northwest Quarter of Section 9, Township 68 North, Range 4 west, thence running South 27 rods, thence South 72° East 46 rods, thence South 76° East 45 rods, thence South 72° east 46 rods to the center of the creek, thence South 12° West 34 rods, thence West 128 rods, less one

link, to the half section line to a stone, thence North 7.5 rods, thence West 80 rods, 14 links to a stone in the road, thence North 90 rods to the North line of Section 9, thence East along said North section line 80 rods 14 links to the place of beginning, containing 87 acres and 54/100 of an acre, more or less;

Also the North part of the West Half (W1/2) of the Northeast Quarter (NE1/4), Section 9, Township 68 North, Range 4 West, and described as follows:

Beginning at the Northwest corner of said Northeast Quarter (NE1/4) of Section 9, and thence running South 29 rods, thence South 72° East 46 rods, thence South 76° East 37.25 rods, thence North 51 rods, thence West 80 rods to the place of beginning, containing 20 acres, more or less, subject to easements of record.

Excepting there from the following: Beginning at the North Quarter corner of Section 9, thence South 89° 57' 30" East along the North line of said section 9, 437 feet; thence South 1080.68 feet; thence West 792 feet; thence South 81 feet thence West 458 feet; thence South 0°51'30" East; 322.89 feet; thence South 89°47'45" West, 523.85 feet to a point on the centerline of Highway 88, thence North 1°52'05" West 1487.5 to a point on the North line of said Section 9, thence East 1380.5 feet to the point of beginning, containing 50.42 acres more or less of which 3.28 acres more or less.

In support of the petition, IPL and Access Energy state that a new residential customer has applied for service. IPL would have to extend facilities approximately 2,700 feet to serve the customer. Access Energy has facilities currently in place near the property.

Iowa Code § 476.25 (2003) provides in pertinent part:

Contracts between electric utilities to designate service areas and customers to be served by the electric utility or for the exchange of customers between electric utilities, when approved by the board, shall be valid and enforceable and shall be incorporated into the appropriate exclusive service

areas established pursuant to subsection 1 of this section. The board shall approve a contract if it finds that the contract will eliminate or avoid unnecessary duplication of facilities, will provide adequate electric service to all areas and customers affected, will promote the efficient and economical use and development of the electric systems of the contracting electric utilities, and is in the public interest.

The Board will grant the IPL and Access Energy joint petition for modification of service area boundaries. IPL and Access Energy have stated facts which establish the proposed modification is in the public interest, will prevent unnecessary duplication of facilities, will provide adequate electric service to all customers affected, and will promote the efficient and economical use of electrical systems, pursuant to Iowa Code § 476.25.

IT IS THEREFORE ORDERED:

The joint petition for modification of service area boundaries filed by Interstate Power and Light Company and Access Energy on September 28, 2001, is granted, subject to complaint or investigation.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 5th day of December, 2003.